



**WESLACO CITY COMMISSION
REGULAR MEETING
JANUARY 4, 2011**

On this 4th day of January 2011 at 6:00 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Robert J. Garza
Commissioner	Rene Rodriguez, Jr.
Commissioner	Gerardo "Gerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Francisco Castellanos, Human Resources Director; Arnold Becho, Library Director; Rolando Gonzalez, Interim Planning & Code Enforcement Director; Robert de la Cerda, Interim Police Chief; Capt. Raul Vallejo, and several other staff members and citizens.

I. CALL TO ORDER

A. Roll Call/Establish a Quorum.

Mayor Wise called the meeting to order. Elizabeth Walker, City Secretary, called the roll; a quorum was established.

B. Certification of Public Notice.

Mayor Wise certified the public notice of the meeting as properly posted Thursday, December 30, 2010.

C. Invocation.

Reverend Mario Perez with Mid Valley Assembly of God gave the invocation.

D. Pledge of Allegiance.

Mayor Wise recited the Pledge of Allegiance and the Texas Flag.

E. Mayoral Proclamations.

Mayor Wise presented a proclamation to Mr. Enrique Ledesma, Jr. on behalf of his son, Jerry Ledesma, on the occasion of his graduation from U.S. Army Initial Military Training in Fort Sill, Oklahoma.

II. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of Minutes of the Special Meeting of December 16, 2010. Attachment.
- B. Approval of Minutes of the Regular Meeting of December 21, 2010. Attachment.
- C. Approval on second and final reading of Ordinance No. 2010-26 amending Section 1 of Ordinance 77-16, adopted on August 16, 1977, and codified in the Weslaco Code of Ordinances as Section 138.58 "Water Rates prescribed" and amending Section 1 of Ordinance 67-10, adopted on June 27, 1967, and codified in the Weslaco Code of Ordinances as Section 138.59 "Sewer Rates prescribed;" by providing for a new schedule of rates to be charged for treated water delivered through the system of the Public Utilities Department of the City of Weslaco; and providing for a new schedule of rates to be charged for the use of wastewater treatment facility of the City of Weslaco; and providing for an effective date after the second publication of this ordinance, and ordaining other matters with respect to the subject matter hereof. Attachment.
- D. Approval on second and final reading of Ordinance 2010-27 to amend Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 206 E. Mile 10 North, Weslaco, Texas, also being Lot 2A, Meadow Oaks Estate Subdivision, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District." Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve all items of the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Ordinance 2010-26 reads as follows:

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 77-16, ADOPTED ON AUGUST 16, 1977, AND CODIFIED IN THE WESLACO CODE OF ORDINANCES AS SECTION 138.58 "WATER RATES PRESCRIBED" AND AMENDING SECTION 1 OF ORDINANCE 67-10, ADOPTED ON JUNE 27, 1967, AND CODIFIED IN THE CITY OF WESLACO CODE OF ORDINANCES AS SECTION 138.59 "SEWER RATES PRESCRIBED;" BY PROVIDING FOR A NEW SCHEDULE OF RATES TO BE CHARGED FOR TREATED WATER DELIVERED THROUGH THE SYSTEM OF THE WATER DEPARTMENT OF THE CITY OF WESLACO; AND PROVIDING FOR A NEW SCHEDULE OF RATES TO BE CHARGED FOR THE USE OF WASTEWATER TREATMENT FACILITY OF THE CITY OF WESLACO; AND PROVIDING FOR AN EFFECTIVE DATE AFTER THE SECOND PUBLICATION OF THIS ORDINANCE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

SECTION 1. BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, to amend Section I of Ordinance No. 77-16, Codified in the Weslaco Code of Ordinances as Section 138.58 and

entitled "Water Rates Prescribed", to adopt a new schedule of rates to be charged for treated water and sewer delivered through the system of the water department of the City of Weslaco so that after Second and Final Reading of this Ordinance, Weslaco Code of Ordinances Section 138.58, will read as follows:

ARTICLE II. SERVICE CHARGES

Sec. 138.58. Water rates prescribed.

There are hereby established the following schedules of rates to be charged for treated water delivered through the system of the water department of the city:

Schedule A. Residential Inside City Limits.

- (1) Minimum monthly bill, residential master meter (not including water)..... \$11.54

Minimum monthly bill, residential master meter (includes 2,000 gallons of water) if applied for by resident over 65, disabled, or veteran..... \$7.69

Minimum monthly bill, second meter (solely for sprinkler system not including water).....\$6.00

- (2) Charge per each 1,000 gallons or portion thereof.....\$2.00

- (3) Charge per each 1,000 gallons or portion thereof (sprinkler meters only).....\$3.07

Schedule B. Residential Outside City Limits.

- (1) Minimum monthly bill..... \$16.75

- (2) Charge per each 1,000 gallons or portion thereof.....\$2.10

- (3) Charge per each 1,000 gallons or portion thereof (sprinkler meters only).....\$3.20

Schedule C. Commercial and Multi-Family Users.

- (1) Minimum monthly bill:
- | | |
|-------------------------------|---------|
| 0 to 15,000 gallons..... | \$11.54 |
| 15,001 to 35,000 gallons..... | \$23.92 |
| 35,000 gallons and over..... | \$35.88 |

- (2) Charges per each 1,000 gallons or portion thereof:
- | | |
|------------------------------|--------|
| 0 to 15,000..... | \$2.00 |
| 15,001 gallons and over..... | \$2.23 |

Schedule D. Tapping Fees.

The following charges shall be made as tapping fees for making connections for the use of any water user (deposit and permit fees are not included):

Meter Size	Inside City	Outside City
5/8"	\$ 300.00	\$ 450.00
1"	\$ 400.00	\$ 600.00
1 ½"	\$ 600.00	\$ 900.00
2"	\$ 700.00	\$1,050.00
3"	\$1,000.00	\$1,500.00
4"	\$1,300.00	\$1,950.00

In cases where the developer has installed their own water lines, tapping saddles, corp. stop, tubing and angle stop up to the ground surface, the fees for a 5/8" meter will be \$150 for a connection inside the city limits and \$225 for a connection outside the city limits.

Schedule E. Sprinkler Fees

There shall be no additional charge per month in addition to the other charges listed in this section, for accounts with a fire protection sprinkler system.

SECTION II. BE IT FURTHER ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, to amend Section I of Ordinance No. 67-10, adopted on June 27, 1967, and codified as Section 138.59 and entitled "Sewer Rates Prescribed", so that after Second and Final Reading of this ordinance, Weslaco Code of Ordinances Section 138.59 will read as follows:

ARTICLE II. SERVICE CHARGES

Sec. 138.59. Sewer rates prescribed.

The following rates shall be charged for use of the wastewater treatment facilities of the City of Weslaco, including storm sewer lines if used for the purpose of disposing waste or cooling water. The rates hereby established shall be applicable to all classes of customers using the city sanitary sewer system, except for industrial customers who will continue to be charged under the provisions of the industrial waste ordinance of the City of Weslaco, Ordinance No. 76-16, as amended:

- (1) *Minimum Charge:* The minimum monthly charge for all classes of customers using the City of Weslaco wastewater treatment facilities shall be twelve dollars and thirty-eight cents (\$12.38) per month. The monthly base rate will be eight dollars and twenty six cents (\$8.26) if applied for by a resident over 65 years of age, disabled, or a veteran.
- (2) *Additional Charges for single-family residential users.* In addition to the minimum charge listed above, a charge of one dollar and forty-two cents (\$1.42) will be made for each one thousand (1,000) gallons of water used, or portion thereof.

SECTION III: All other parts of Chapter 138, Article II, Section 138.58, and Section 138.59, and Ordinance 77-16 shall remain in effect and are not being amended by this Ordinance.

SECTION IV: These amendments to Chapter 138, Article II, Section 138.58, and Section 138.59, shall be in effect after Second and Final Reading of this Ordinance.

PASSED AND APPROVED on first reading this the 21st day of December, 2010.

PASSED AND APPROVED on second and final reading this the 4th day of January, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

For the record, Ordinance 2010-27 reads as follows:

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING FILE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 206 E. MILE 10 NORTH, ALSO BEING LOT 2A, MEADOW OAKS ESTATE SUBDIVISION, HIDALGO COUNTY TEXAS, FROM "R-1" SINGLE FAMILY DWELLING DISTRICT TO "B-1 NEIGHBORHOOD BUSINESS DISTRICT".

BE IT ORDAINED BY 'THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: Rezone from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District" of Lot 2A, Meadow Oaks Estate Subdivision, Hidalgo County, Texas, also being 206 B. Mile 10 North, Weslaco, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 21st day of December, 2010.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 4th day of January, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

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/s/ Elizabeth M. Walker, CITY SECRETARY
APPROVED AS TO FORM:
/s/ Ramon Vela, CITY ATTORNEY

III. APPOINTMENTS

- A. Discussion and consideration to remove one member of the Board of Directors of the Economic Development Corporation of Weslaco as authorized by Article VI of the Articles of Incorporation of the Economic Development Corporation of Weslaco. Possible action.

The Mayor stated in the spirit of the New Year and in the spirit of diversification, he would accept the motion to remove of Joe Olivarez as representative of place 7 on the Board of Directors of the Economic Development Corporation of Weslaco; Commissioner Garza so moved. The motion carried with Commissioner Rodriguez voting in dissent; Mayor Wise was present, but not voting.

- B. Discussion and consideration of Resolution 2011-01 to fill the unexpired term created by the vacancy of the previously removed member of the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. Attachment.

The Mayor stated that as part of the Commission's efforts to increase female representation on City boards, he would accept the motion to authorize Resolution 2011-01 appointing Lina Lawrence to fill the unexpired term created by the vacancy of the previously removed member Joe Olivarez of the Board of Directors of the Economic Development Corporation of Weslaco; Commissioner Garza so moved. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution 2011-01 reads as follows:
A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

WHEREAS, the term of a current Economic Development Corporation of Weslaco Member expires on September 30, 2011, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Lina Lawrence is appointed to an unexpired term as a member of the Board of Directors of the Economic Development Corporation of Weslaco and the term will expire on September 30, 2011.

PASSED AND APPROVED on this 4th day of January, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY
APPROVED AS TO FORM:

IV. OLD BUSINESS

- A. Discussion and consideration to approve a budget amendment of intra and inter departmental transfers for the Fiscal Year 2010-2011 Municipal Budget. Possible action. (There was no action on this item at the December 21, 2010 meeting.) Attachment.

There was no action on this item.

- B. Discussion and consideration to enter into a land lease between the City of Weslaco d.b.a. Weslaco Mid Valley Airport and R. Brian Hunsaker for land on the airport to construct a 45-foot by 45-foot metal hangar for the storage of aircraft for a period of twenty (20) years at \$303.00 per year and authorize the Mayor to execute all documents relating to this lease. Possible action. (There was no action on this item at the December 21, 2010 meeting.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rodriguez, moved to table this item. Immediately, Commissioner Tafolla moved, seconded by Commissioner Rodriguez, to withdraw his motion. The motion carried unanimously; Mayor Wise was present, but not voting.

Though the City Manager recommended approval subject to the terms discussed last meeting, the Mayor Pro-Tem requested at the next meeting George Garrett present a report on the number of hangars at the airport, the number owner-occupied, and the revenue generated. The Mayor additionally requested a clean lease. Mr. Hernan Gonzalez, with the Economic Development Corporation, suggested the plane owner and George Garrett negotiate a template lease for consideration. There was no action on this item.

- C. Discussion and consideration of the lease agreement between the City of Weslaco and the Mid Valley Civic Theatre from January 1, 2011 – December 31, 2011 for use of the Tower building located at 120 South Kansas Avenue and Tower House located at 112 East Second Street. Possible action. (There was no action on this item at the December 21, 2010 meeting.) Attachment.

Commissioner Martinez, seconded by Commissioner Rivera, moved to approve with non-substantive changes the lease agreement between the City of Weslaco and the Mid Valley Civic Theatre from January 1, 2011 – December 31, 2011 for use of the Tower building located at 120 South Kansas Avenue and Tower House located at 112 East Second Street. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to enter into an Interlocal Agreement with the City of Pharr to formalize the collection and transfer of recyclable products and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item at the December 21, 2010 meeting.) Attachment.

The City Manager stated this agreement is to facilitate the recycling program following the privatization of solid waste collection; at minimum, newspaper, cardboard, and plastic will be transferred to the City of Pharr at no cost. Commissioner Martinez, seconded by Commissioner Tafolla, moved to approve an Interlocal Agreement with the City of Pharr to formalize the

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collection and transfer of recyclable products and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to nominate a member of the Weslaco community to the Rio Grande Valley Walk of Fame as part of BorderFest 2011 and authorize the Commission to sign the submittal form as nominators. Possible action. (There was no action on this item at the December 21, 2010 meeting.) Attachment.

Mayor Pro-Tem recommended suggestions be conveyed individually to the City Secretary. There was no action on this item.

V. NEW BUSINESS

- A. Discussion and consideration to authorize a contract with the Weslaco Bicultural Museum d.b.a. Weslaco Museum in an amount not to exceed \$80,000.00 to provide public purpose services to the City of Weslaco citizens effective October 1, 2010 through September 30, 2011. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Garza, moved to approve a one-year contract with the Weslaco Bicultural Museum d.b.a. Weslaco Museum in an amount not to exceed \$80,000.00 to provide public purpose services to the City of Weslaco citizens effective October 1, 2010 through September 30, 2011. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to authorize the Mayor to execute any and all documents required for the Development Agreement between The Economic Development Corporation of Weslaco and Darden Restaurants, Inc. Possible action. (Commission authorized negotiation by the Economic Development Corporation of Weslaco of such agreement on September 7, 2010). Attachment.

Mr. Hernan Gonzalez stated the agreement awards to Darden Restaurants, Inc. \$60,000.00 upon opening and \$60,000.00 on the one-year anniversary. Commissioner Rodriguez, seconded by Commissioner Martinez, moved to authorize the Mayor to execute any and all documents required for the Development Agreement between The Economic Development Corporation of Weslaco and Darden Restaurants, Inc. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve final payment to Halff Associates in the amount of \$10,630.20 for design and construction phase and reimbursable expenses on the North Waste Water Treatment Plant. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve final payment to Halff Associates in the amount of \$10,630.20 for design and construction phase and reimbursable expenses on the North Waste Water Treatment Plant. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve final payment to Sigler Winston Greenwood & Associates in the amount of \$722.50 for design and construction phase and reimbursable expenses on the North Waste Water Treatment Plant. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve final payment to Sigler Winston Greenwood & Associates in the amount of \$722.50 for design and construction phase and reimbursable expenses on the North Waste Water Treatment Plant. The motion carried unanimously; Mayor Wise was present, but not voting.

VI. CITY MANAGER'S REPORT

- A. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments.

The City Manger reported that the City is finalizing reorganization in response to the vacancies created by 54 departures under the Voluntary Separation Plan. He congratulated the Fire Department for being recognized on the cover of a national calendar and unveiled the Mid-Rio Grande Valley Tour of Nature Calendar, produced by the IT Department, to help raise funds for the Valley Nature Center.

VII. PUBLIC COMMENTS

There were no public comments.

VIII. EXECUTIVE SESSION

At 6:43 p.m., Mayor Wise recessed the regular meeting to convene in Executive Session.

At 7:56 p.m., Mayor Wise announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Cause No. C-3865-10-I, *City of Weslaco v. Champion Energy Services LLC* pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- B. Pending Litigation – Discussion with City Attorney regarding Cause No. C-215-10-E, *Anne-Marie Mata, David Salinas, and Oscar Garcia v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

Commissioner Garza, seconded by Commissioner Rivera, moved to authorize the settlement and release as discussed in Executive Session in No. C-215-10-E only as to Oscar Garcia and David Salinas. Commissioner Tafolla requested a roll call vote. The motion carried as follows: For – Mayor Pro-Tem, Commissioners Garza, Martinez, and Rivera; Against – Commissioners Rodriguez and Tafolla (vote 4-2). Mayor Wise was present, but not voting.

- C. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Case No. 7:09-CV-0118, *Claudio Lucio v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- D. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Case No. 7:10-CV-00452, *Michael Fisher, Arnold Rodriguez, and Edna Salas v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

Commissioner Rodriguez, seconded by the Mayor Pro-Tem, moved to authorize special counsel Kyle Watson to file an answer in Case No. 7:10-CV-00452, *Michael Fisher, Arnold Rodriguez, and Edna Salas v. City of Weslaco*. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Personnel – Discussion with the City Manager regarding the appointment of the Chief of Police for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

The City Manager stated he will set up interviews on Thursday, January 20 with the finalists and Commission, as instructed in Executive Session.

- F. Land Acquisition – Discussion with the City Manager regarding the purchase and acquisition of real property located in the City of Weslaco as authorized by §551.072 of The Texas Government Code.

The Mayor Pro-Tem stated that the City Attorney should proceed as directed in Executive Session.

X. ADJOURNMENT

With no other business before the Commission, at 8:00 p.m. Commissioner Martinez, seconded by Commissioner Rivera, moved to adjourn the January 4, 2011 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

COMMISSIONER, Robert J. Garza

COMMISSIONER, Rene Rodriguez, Jr.

COMMISSIONER, Gerardo “Gerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez